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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 55522 (70904)
	Application Number 09/757,726	Filed January 10, 2001
	First Named Inventor Toru Sorihashi	
	Art Unit 2178	Examiner Kyle R. Stork

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

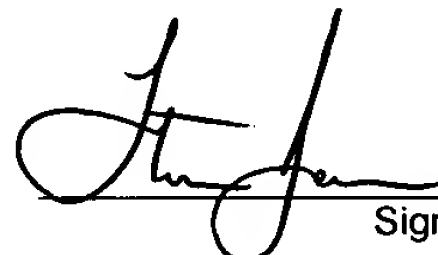
The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant /inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 42,693

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____


Signature

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April 21, 2006

Date

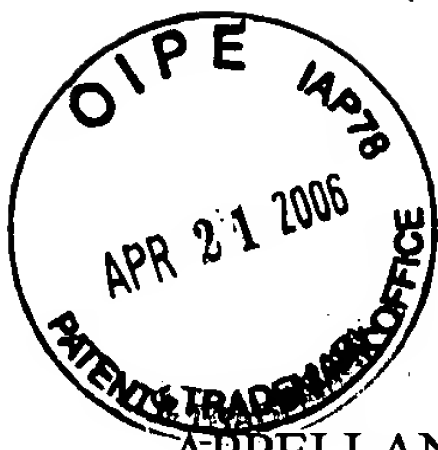
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of 1 forms are submitted.

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Dated: April 21, 2006

Signature:  (Teresa Lauro)



Attorney Docket No. 55522 (70904)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT: T. Sorihashi

GROUP: 2178

U.S. SERIAL NO.: 09/757,726

EXAMINER: K. Stork

FILED: January 10, 2001

FOR: INFORMATION PROCESSING DEVICE, INFORMATION
PROCESSING METHOD AND RECORDING MEDIUM STORING
COMPUTER PROGRAM FOR PROCESSING INFORMATION

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on this date April 21, 2006 in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EV 754868425 US addressed to the: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REMARKS: PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following remarks support Applicant's "Pre-Appeal Brief Request for Review" filed herewith in the above-referenced application. These remarks constitute no more than five pages, and are being filed with a Notice of Appeal, thereby satisfying the requirements.

Independent claims 1, 20, and 23 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,687,878 to Eintracht et al. (hereinafter "Eintracht") in view of U.S. Patent No. 6,040,920 to Ichiriki (hereinafter "Ichiriki"). The remaining pending claims depend from independent claims 1 and 20.

Applicant respectfully requests review of the Final Office Action in the above-referenced application. No amendments are being filed with this request.

Applicant is filing the "Pre-Appeal Brief Request for Review" based on the following clear errors and/or omissions in the Final Office Action mailed on February 17, 2006.

First Clear Error and/or Omission in the Final Office Action:

The Examiner has made a clear error and/or omission at least because the proposed combination of Eintracht in view of Ichiriki does not teach or suggest a log recording/reproducing section which creates log data including history data of operations executed by a data creating section and a data reference section when creating a data file (see claim 1). Similarly, Eintracht and Ichiriki do not teach or suggest "creating log data including history data of operations executed by said data creating section and said data reference section when creating the data file" (independent claims 20 and 23).

In the Final Office Action, it was alleged that "the notes database is the log data" (Final Office Action at page 2, last paragraph). It was further alleged that the "notes database stores annotations. In this instance, the annotations are the log data, stored within the database" (Final Office Action at page 11, last full paragraph).

However, in column 3, lines 12-43 of Eintracht, a "system for annotating documents" is described, which includes a notes database "for storing one or more notes, each note associated with a particular document" (column 3, lines 15-17), and a notes client for permitting "a user to annotate the document with one or more notes" (column 3, lines 12-22). Further, a Notes Log Table stores a transaction history of notes associated with a particular document (see column 3, lines 37-40).

In other words, in Eintracht, one or more notes/annotations are created by a user and associated with a particular document. These notes are created by a user, and therefore are not history data of operations executed by a data creating section and a data reference section when creating a data file.

Therefore, the proposed combination of Eintracht in view of Ichiriki does not teach or suggest the creation of "log data including history data of operations executed by" a data creating section and a data reference section when creating a data file.

Second Clear Error and/or Omission in the Final Office Action:

The Examiner has made a clear error and/or omission at least because the proposed combination of Eintracht in view of Ichiriki does not teach or suggest a log recording/reproducing section which controls, with reference to the log data, a data creating section and a data reference section to re-execute operations stored in the log data. Similarly, Eintracht and Ichiriki do not teach or suggest controlling the data creating section and data reference section to "re-execute the operations stored in the log data" (claim 20), or "re-executing the operations as stored in the log data" (claim 23).

In the Final Office Action, it was alleged that "when the user synchronizes a local copy with the notes database, the logged changes/annotations are transferred to the user and the local copy is reproduced with the logged changes/annotations" (see page 2, last paragraph).

However, Eintracht does not teach or suggest re-executing operations stored in the "log data." Note synchronization is described in Eintracht at column 9, line 15 to column 10, line 16, and column 15, line 60 to column 16, line 63 (see also FIGS. 8 and 9). To synchronize a client's Notes Database, a Notes Server prepares a list of notes (step 166 of FIG. 8), and the Notes Client merges the list of notes with its local Notes Database (see steps 168 to 170 of FIG. 8).

Eintracht does not teach or suggest re-executing any operations "stored in the log data," as recited in independent claims 1, 20, and 23.

Instead of re-executing operations stored in log data, Eintracht merely creates a list of notes and merges this list of notes with a local database. This is clearly not a re-execution of operations stored in log data.

Third Clear Error and/or Omission in the Final Office Action:

The Examiner has made a clear error and/or omission at least because the proposed combination of Eintracht in view of Ichiriki lacks proper motivation, and would not result in the Applicant's claimed invention.

In the Final Office Action, it was admitted that Eintracht does not teach or suggest a data creating section, a data reference section, or that log data creation occurs "when creating the data file" (see page 2, last two lines to page 3, first line). However, Ichiriki was cited at column 12, lines 15-20 and 65-67, and column 13, lines 1-5 allegedly to remedy these deficiencies.

However, even if the application software of Ichiriki were combined with Eintracht, there is no teaching or suggestion that the annotations stored in the notes database would somehow include history data of operations executed by the application software. Eintracht merely discloses that notes/annotations are prepared by a user. There is insufficient motivation to combine Eintracht and Ichiriki, at least because Eintracht already allows a user to enter annotations in a database, and any modification of Eintracht to include the application software of Ichiriki would not provide the ability to log anything other than user notes.

Applicant submits that all of the claims under final rejection are in condition for allowance and should be allowed, and that the Final Office Action should be withdrawn.

U.S. Serial No. 09/757,726

Remarks: Pre-Appeal Brief Request for Review

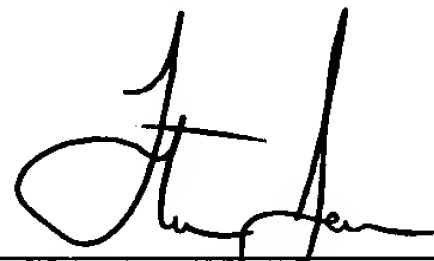
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There is no fee required for the submission of the Pre-Appeal Brief Request for Review. However, if for any reason one or more fees are required for the entry and consideration of that Request, these Remarks, or anything else being filed herewith, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

Date: April 21, 2006

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